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U.S. DISTRICT COURT
NO. DIST. OF CALIF.

1 Edson Camacho
2 350 Paloma Court
3 Martinez, CA 94553
4 (510) 853-4462
5 Defendant pro se

6 Osvaldina Lima
7 350 Paloma Court
8 Martinez, CA 94553
9 (510) 853-4462
10 Defendant pro se

United States District Court
Northern District of California

11 NICHOLAS ROBLES,

12 *Plaintiff,*

13 vs.

14 EDSON CAMACHO, OSVALDINA LIMA, et al.

15 *Defendants.*

No. C 08 997 PVT

DECLARATION OF EDSON CAMACHO
IN SUPPORT OF MOTION TO SET ASIDE
ENTRY OF DEFAULT

Date:
Time:
Courtroom:

DECLARATION OF EDSON CAMACHO IN SUPPORT
OF MOTION TO SET ASIDE ENTRY OF DEFAULT

17 I, Edson Camacho, declare under penalty of perjury as follows:

18 1. I am one of the defendants in this case.

19 2. On May 4, 2008, I was in Santa Cruz, California, with Osvaldina Lima. We returned
20 to our house on 350 Paloma Court, Martinez, CA 94553, at about 10:00 pm.

21 3. No one else was living or staying at our house on May 4, 2008 except for myself and
22 Ms. Lima.

23 4. No copies of the Summons or Complaint ever arrived by mail. However, on May 25,
24 2008, while cutting the bushes at 350 Paloma Court, I found two folded up copies of the
25 Summons and Complaint in this case, one for me and one for Ms. Lima. I had not noticed these
26 documents before because they had been stuck in the bushes.

27 5. The Summons did not say when it had been left on the property. All it said was that
28 we had 20 days to file and serve an answer from the date of service. 20 days from May 25, 2008

1 would be June 19, 2008. I believed that I would have some time to look for an attorney, so I
2 began looking for one.

3 6. Ms. Lima left for Brazil to visit relatives on May 22, 2008.

4 7. Shortly after June 5, 2008, I received in the mail two copies of a request for entry of
5 default, one addressed to me and one addressed to Ms. Lima. I noticed that the Request for
6 Entry of Default and the Proof of Service had the case number C08-997 PVT but the declaration
7 had the case number C08-993 PVT, although it had been filed in C08-997 PVT. No copies of
8 the proof of service of summons and complaint were attached.

9 8. I had an attorney check the on-line court files via PACER and learned that C08-993
10 PVT was a case with the same parties that had been voluntarily dismissed on June 5, 2008.

11 9. The court file in C08-997 PVT contains two proofs of service, one for me and one
12 for Ms. Lima, prepared by Faheem Moore, Professional Process Service, 938 Dewing Avenue,
13 Suite E-1, Lafayette, CA 94549. The proofs were prepared using a California State Judicial
14 Council Form, POS-010, which is not an authorized form for use in Federal Court. The proofs
15 of service lists this court as the Superior Court, County of San Francisco, 450 Golden Gate
16 Avenue, San Francisco, CA 94102. No such court exists – the San Francisco County Superior
17 Court is at 400 McAllister – and this case is pending in the San Jose Courthouse of the Northern
18 District anyway and not in San Francisco. Faheem Moore has declared that this case was
19 pending in a non-existent court under penalty of perjury.

20 10. Also under penalty of perjury, Faheem Moore declared that he personally delivered
21 my copy and Ms. Lima's copy of the Summons and Complaint, and some other documents, to Ms.
22 Lima, 350 Paloma Court, Martinez, CA, on May 4, 2008 at 5:01 pm, and mailed copies to us
23 at the same address on May 6, 2008

24 11. Faheem Moore has committed perjury. No one was home on May 4, 2008. Ms.
25 Lima was not even in California. I have never met Faheem Moore, and never received anything
26 in the mail afterwards. It is obvious that Faheem Moore came by the house, found no one there,
27 and simply stuck the papers in the bushes out of laziness and dishonesty.

28 12. Wherefore, I respectfully request that this court set the default aside and permit me

1 to file an answer. A copy of the proposed answer is submitted with this motion as exhibit "A"

2 I declare under penalty of perjury that the facts stated in this declaration are true and
3 correct. Executed in Martinez, California, on 6-12-2008.

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7 Edson Camacho
8 Defendant pro se
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